



NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR
ECONOMIC DEVELOPMENT
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SANBORN, NEW YORK 14132

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Chairman

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MEETING MINUTES

Niagara County Planning Board
6311 Inducon Corporate Drive – Suite 100
Sanborn, New York 14132
Monday, November 15, 2021 – 2:00 p.m.

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Thomas Ohol, James Sobczyk, Garret Meal (Ex Officio)

Members Absent: Normal Machelor (Ex), Mary Jo Tamburlin (Ex), Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:00 p.m.
2. A motion was made by Mr. Garrow and seconded by Mr. Collard to approve the October 18, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6765 – Town of Porter – Zoning Map Amendment

Request by Larry Weibert for the Planning Board to review a zoning map amendment request to rezone three parcels, 720 Creek Lane and SBL #s 45.00-1-22.111 and 45.00-1-23.2 from RA, Rural Agricultural to RC, Rural Commercial to allow for the continued use of the property as Weibert's Auto Place automotive repair. The parcels total 64 acres. Larry Weibert, Owner and Peter Jeffery, Town of Porter Code Enforcement Officer were present to discuss the project. Mr. Weibert stated he has been operating his auto repair business at the location under a special use permit for 24 years. The business includes repairing sports/antique cars, trailers, and some collision work. He would like to construct a storage building to house classic vehicles but the new building would be best suited on the adjacent parcel he owns because of drainage conditions at the site. The adjacent parcel is not included in the special use permit and is zoned agricultural even though it is not actively farmed. Mr. Jeffery informed the board that the Town of Porter Planning Board reviewed the request and recommended the Town Board notify residents of North Creek Road and if no major objections were made then the zoning change should be approved. No opposition was raised at the public hearing. Expanding the rural commercial zone at this location will promote commercial growth in the Town which is one of the goals of the comprehensive plan. Mr. Garrow expressed concerns with visibility from the Niagara Scenic Parkway. Mr. Weibert stated the business is located on a dead end street and is not visible from the parkway when foliage is on the trees. The board discussed the issue of spot zoning. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow with the following recommendations: 1.) The Town of Porter should review the project to ensure consistency with the Town's Comprehensive Plan. 2.) Landscaping should be considered along Creek Lane to enhance screening from the Niagara Scenic Parkway. Unanimous. Carried.

No. 6775 – Town of Royalton – Zoning Map Amendment

Request by 7691 Rochester Road, LLC for the Planning Board to review a request to rezone a portion of the property located at 7691 Rochester Road from Residential/Agricultural and Business to Light Industrial. The property is 29.58 acres. Kyle Brent, owner, was present to discuss the project. Mr. Brent stated that he recently purchased the property through pre-foreclosure. He would like to construct a 15,000 sq.ft. commercial building that would be used for storage and light manufacturing. The board discussed concerns of spot zoning and how the industrial zoning would open the property up to more intensive land uses. Adjacent parcels are zoned for business use. Mr. Brent stated that light manufacturing is not an allowable use in the Business District even with a special use permit. A motion for approval was made by Mr. Ohol and seconded by Mr. Agronin. Unanimous. Carried.

No. 6776 – Town of Somerset – Zoning Text Amendment

Request by the Town of Somerset for the Planning Board to review a zoning text amendment request to repeal and replace the existing Article XXII of Chapter 205 - Solar Energy Systems law of the town code. Jeffrey Dewart, Somerset Town Supervisor and Andrew Reilly of Wendel Engineering were present to discuss the law. Mr. Reilly stated the law was drafted in accordance with NYSERDA's model law. Mr. Reilly stated a 4-tiered system is proposed and classification is based on acreage and MW produced. Tiers 1 and 2 are for on-site consumption only. Tier 3 projects are only allowed in Industrial and General Industry zoning districts. Tier 4 projects encompass more than 20 acres and can't be located on property that contains 25% or more of land classified as prime farmland. Large projects will require submittal of an Agricultural Impact Statement and Economic Impact Analysis. For non-participating properties, the setbacks are 200 ft. from the property line and 400 ft from dwellings. For participating properties, the setbacks are 50 ft from the property line and 100 ft from a dwelling. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6777 – Town of Somerset – New Zoning Ordinance

Request by the Town of Somerset for the Planning Board to review a new local law creating regulations for the installation and use of battery energy storage systems. Jeffrey Dewart, Somerset Town Supervisor and Andrew Reilly of Wendel Engineering were present to discuss the law. Mr. Reilly informed the board that battery energy storage is gaining importance in NYS as more energy is coming from renewable sources. The law was based on NYSERDA's battery storage model law. A 3-tiered system is proposed with Tier 1 systems having energy capacity less than 600kW. Tier 2 systems have capacity between 600kW and 1MW and are an accessory use to the principal use. Tier 3 is associated with large scale solar or wind energy systems and energy is supplied back into the power grid. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6778 – Town of Cambria – Area Variance

Request by Willard and Deborah Helsdon for the Planning Board to review a request for an area variance to allow for the construction of an 8' x 21' porch at 5914 Campbell Boulevard with a setback of 52' where 60' is required. The property is 3.1 acres and is zoned AR, Agricultural and Residence. Deborah Helsdon was present to discuss the project. Ms. Helsdon informed the board that they previously enclosed their original porch and would like to reconstruct the outdoor structure along the front and side of the residence requiring a minor setback of 8'. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. Unanimous. Carried.

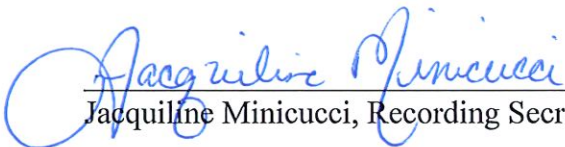
No. 6779 – City of Niagara Falls – Zoning Text Amendment, Zoning Map Amendment

Request by the City of Niagara Falls for the Planning Board to review a zoning text and map amendment to adopt a new solar energy law. Christopher Mazur, Corporation Counsel for the City of Niagara Falls was present to discuss the law. Mr. Mazur stated the new law was developed according to NYSERDA's model law. The City doesn't have a solar law and would like to encourage solar in areas of the city where

it is appropriate. A 3-tiered system is proposed based on the size of the system and electricity generated. The zoning map amendment will rezone 58.6 acres from R1-A to Open Space for a potential solar project. Ms. Fisk assisted with City with drafting the law. Mr. Garrow noted concerns with the density of residences near industrial areas and the visibility to local homes. Mr. Mazur noted that Tier 3 systems will not be allowed in residential areas and screening will be used to buffer the visibility of the solar projects. Mr. Garrow also noted concerns regarding the installation of solar energy systems in the Airport Overlay District and Mr. Mazur responded that city's zoning addresses the notification requirements. A motion for approval was made by Ms. Klyczek and seconded by Mr. Collard. Unanimous. Carried.

4. *Old Business* – None
5. *New Business* – None
6. *Adjournment* – A motion was made by Mr. Agronin and seconded by Mr. Collard to adjourn the meeting at 3:07 p.m. Unanimous. Carried.

Respectfully submitted,



Jacquiline Minicucci, Recording Secretary